

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

HEATHER SANTANA,

Plaintiff

vs.

PROENERGY SERVICES, LLC.

A Missouri Limited Liability
Company,

Defendant.

Case #

JURY TRIAL DEMANDED

11 : 4059 : CV . C- NKL

Defendant may be served through its
agent for service of process Jeff Canon
at 805 Thompson Blvd., Sedalia, Missouri
65301

**PLAINTIFF'S TITLE VII COMPLAINT
FOR SEXUAL HARASSMENT AND FOR RETALIATION**

Plaintiff Heather Santana, for her causes of action against defendant Pro-Energy Services, LLC, states as follows:

Parties

1. Plaintiff is an individual and natural person, and is a citizen and resident of the City of Sedalia, Missouri, United States of America. Plaintiff is a female, and a former employee of Defendant ProEnergy Services, LLC. (hereafter, "ProEnergy").

2. Defendant ProEnergy is a for-profit limited liability company organized in the State of Missouri and whose principal place of business is in the State of Missouri. At all relevant times, Defendant conducted business operations in Sedalia, Missouri at which plaintiff was formerly employed. On information and belief, at all relevant times Defendant employed and continues to employ approximately five hundred employees throughout the calendar year.

Claims, Jurisdiction, Venue and Joinder

3. Plaintiff asserts federal law claims for sex/gender discrimination and retaliation under Title VII of the Civil Rights Act of 1964 (Title VII), 42 USC 2000e et seq.

4. Federal subject matter jurisdiction over this action is conferred upon the Court by 28 USC 1331, 28 USC 1343, 42 USC 2000e-5(f)(3)) (incorporated by reference in 42 USC 12117(a)).

5. Venue is conferred upon the Court within this federal judicial district pursuant to 28 USC 1391(b)(2) and 42 USC 2000e-5(f)(3).

Factual Allegations Common to All Counts

6. In approximately July, 2007, Plaintiff was hired by Defendant as sales support administrator.

7. Plaintiff, during the course of her employment, performed her job in a satisfactory manner and was in fact promoted by Defendant.

8. During the course of her employment, she was subjected to numerous instances of unwanted sexual advances and/or harassment including but not necessarily limited to:

- a) being told by a manager that he wanted to take her out of town on a sales conference and expected her to flirt with men to get them into the company sales booth because she was attractive;
- b) being told that she was going to be fired because other women were jealous of the way she looked;
- c) being asked by a human resources manager if she was a stripper;
- d) being falsely accused by a supervisor of having a sexual affair with the CEO of the company;
- e) having a supervisor make comments about her figure and her level of attractiveness; and
- f) being sent several emails by a co-worker intimating that he wanted to have a sexual relationship with Plaintiff.

9. Plaintiff properly reported the sexual advances and improper comments to superiors within her company.

10. Despite receiving notice, company management ignored these complaints and failed to take effective remedial action to stop them from occurring.

11. When Plaintiff continued to complain about the sexual harassment she was experiencing, Defendant fired her.

12. Plaintiff subsequently timely filed a Charge of Discrimination with the Equal Employment Opportunity Commission in which she reported both sexual harassment and retaliation for complaining of harassment.

13. The EEOC subsequently issued her a right to sue on November 23rd, 2010 (Exhibit One: Plaintiff's Right to Sue).

14. This suit has been filed within 90 days of receipt thereof.

Count I: Sexual Harassment in Violation of Title VII

15. Plaintiff repeats, realleges, and incorporates as if fully set forth herein the allegations of Paragraphs One through Fourteen of this Complaint.

16. Defendant has therefore subjected Plaintiff to a hostile and offensive work environment based on her sex, female, which she found to be offensive and which a reasonable person would find to be offensive, and which altered the terms and conditions of her employment.

17. As a direct and proximate result of the unlawful conduct of Defendant, Plaintiff has suffered damages which include loss of past and future wages and benefits, a detrimental job record, damage to her career and diminished career potential, and mental distress in the form of degradation, embarrassment, humiliation and mental anguish.

18. The actions of Defendant are outrageous, and evidenced an evil motive or conscious disregard for the rights of Plaintiff and others similarly situated, entitling Plaintiff to a verdict for punitive damages.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant in an amount that is fair and reasonable for actual and compensatory damages, prays for punitive damages, prays for attorney's fees, prays that she be awarded the costs of this action, and requests such other relief as may seem to the Court to be just in the premises.

Count II: Retaliation -- Title VII

19. Plaintiff incorporates by reference all other numbered paragraphs in this Complaint.

20. Plaintiff reasonably and in good faith reported instances of harassment to her supervisor.

21. Defendant thereafter fired Plaintiff, but claimed it was for other reasons and not because of the harassment of Plaintiff or Plaintiff's sexual harassment complaint.

22. Plaintiff was discharged by defendant in retaliation for complaining about sexual harassment.

23. As a direct and proximate result of the unlawful conduct of Defendant, Plaintiff has suffered damages which include loss of past and future wages and benefits, a detrimental job record, damage to her career and diminished career potential, and mental distress in the form of degradation, embarrassment, humiliation and mental anguish.

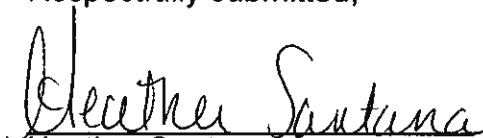
24. The actions of Defendant are outrageous, and evidenced an evil motive or conscious disregard for the rights of Plaintiff and others similarly situated, entitling Plaintiff to a verdict for punitive damages.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant in an amount that is fair and reasonable for actual and compensatory damages, prays for punitive damages, prays for attorney's fees, prays that she be awarded the costs of this action, and requests such other relief as may seem to the Court to be just in the premises.

Demand for Jury Trial

25. Plaintiff demands trial by jury of all issues of fact herein.

Respectfully submitted,


Heather Santana
1012 W. Fourth
Sedalia, Missouri 65301
PLAINTIFF PRO SE